



TOWN OF BEAUX ARTS VILLAGE
PLANNING COMMISSION
MINUTES

June 19, 2008
Harpster

Present: Acting Chairperson Scott Harpster, Commissioners Dennis Casey, Karen Scott, Gordon Roberts and Jake Donoghue.

Staff: Deputy Town Clerk Angela Kulp and Town Planner Mona Green

Acting Chair Harpster called the meeting to order at 7:37pm.

Minutes: Acting Chair Harpster motioned to approve the May 15, 2008 minutes as written. Commissioner Roberts seconded. Vote: 5 For, 0 Against. Motion carried.

OLD BUSINESS: Rebuild / Remodel Definition

As promised in the last meeting, Planner Green passed out documents that summarized how other jurisdictions handle rebuilds and remodels. Commissioner Scott suggested given that we have a new topic from the Council to address immediately, that we table all further discussions on this topic until the new business is completed. All Commissioners agreed and we moved immediately onto new business.

NEW BUSINESS: Town ROW

The Town Council requested the Planning Commission tackle the Rights of Way Use issue for a potential ordinance. Prior to the meeting, packets were distributed to all attending outlining the concerns and considerations. The packet included copies of all pertinent documents and information to assist the Commission with discussions toward a potential ordinance. The Council asked the Commission to determine a rough timeline during this meeting for handling this issue and return that time schedule to the Council.

Commissioner Scott inquired into the background of the issue and the process. She inquired whether both our old and new business could somehow be combined into one ordinance. Planner Green explained the two issues need two separate ordinances, but could be on a Council agenda to vote on at the same time if they were both ready. She stressed the need for developing guidelines for the new topic.

Commissioner Harpster cautioned for careful wishing when it comes to guidelines, giving examples of how some parking allowance could turn into all parking all the time. Discussion of parking ensued, citing pros and cons. The Commissioners surveyed the City of Bellevue Livability ordinance from the packet and Planner Green provided the group with another document to supplement this Bellevue ordinance.

Commissioner Scott urged the other commissioners to keep it simple on when or if a permit application was involved, or how it would be approved. The group was reminded the Council feels it is time for Town Rights of Way (ROW) improvements to be documented, or the issue would not be before us.

Planner Green suggested the commissioners come up with a list of approved and prohibited uses in the Rights of Way as well as special circumstances that may be acceptable. Commissioner Donoghue repeated this notion throughout the evening keeping the group on track. Planner Green explained a potential ordinance would serve as a way to record and acknowledge the uses and indemnify the Town for improvements.

Commissioner Scott suggested low lying landscaping should be allowed in the rights of way, but they should not be permanent. They must be maintained and sight lines kept clear. Commissioner Donoghue agreed, adding emergency vehicles must be able to pass with whatever rights of way improvements are done. He stressed the importance of all residents knowing where their utility lines are before making any such improvements. Commissioner Casey added that plantings should be dictated by size but not type. Commissioner Scott continued that this discussion was not about correcting the past, but moving from this point forward.

Commissioner Casey reiterated when and if an administrative approval is sought, one goes on notice that the ROW belongs to the Town, not the property owner. He explained the importance of this recognition since many residents maintain the Town rights of way next to their property as if it were their own. All agreed on the importance of the Town retaining the rights of their ROW given the potential need for utilities, or other street improvements or maintenance.

Commissioner Scott restated the importance of residents to not put in permanent improvements, and acknowledging that any improvements they do are at their own cost. She explained the cost of replacement belongs to the owner, should the Town need to disturb the Town ROW for any reason. Commissioner Donoghue agreed of the importance of all residents to understand the ROW belongs to the Town. He added that when you allow landscaping, that should include sprinklers to help maintain plantings.

Planner Green reminded the commission that the Council's packet included a list of suggested approvals and wondered if we might list our additions to theirs. Upon review, Commissioner Casey concurred that fences are structural, and often delineate a property boundary and therefore should not be allowed in the rights of way. Discussion ensued about indemnification and all agreed asking for an indemnification letter from the Town should solve any problems or issues arising with special circumstances.

Commissioner Roberts reminded the commissioners that the rights of way are staked at the centerline. Looking for the road stakes will give us a good idea if the road runs in the middle or to one side of the rights of way, as it is not always in the center of the road.

Planner Green pushed for a timeline schedule and after some discussion, it was agreed to give the Council the following list for future Planning Commission meeting agendas on this issue:

JULY- Discuss the encroachment problem further after noticing possible issues on our travels through the village. Brainstorm possible modifications to the Council's list.

AUGUST- No meeting due to travel schedules.

SEPTEMBER- Finalize findings and prepare for a public hearing with a draft ordinance.

OCTOBER- Hold a public hearing for input on the drafted ordinance.

NOVEMBER- Turn it over back to the Council pending the outcome of the drafted ordinance.

Adjourn: Commissioner Scott motioned to adjourn at 9:22pm, and Commissioners Donoghue and Roberts seconded. Meeting adjourned at 9:22pm. Vote: 5 For, 0 Against. Motion carried.

Next Meeting: The next meeting will be on Thursday, July 17, 2008 at 7:30pm at Commissioner Donoghue's home.

Respectfully submitted,

Angela Kulp
Deputy Town Clerk